

Docket No.: 259061US0PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: :  
Pablo VILATO, et al. : EXAMINER: PAIK, SANG YEOP  
SERIAL NO.: 10/509,890 :  
FILED: APRIL 29, 2005 : GROUP ART UNIT: 3742  
FOR: GLASS-CERAMIC PLATE AND  
METHOD FOR MAKING SAME

**DECLARATION UNDER 37 C.F.R. 1.132**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Pablo VILATO, hereby declare:

1. I am a named inventor on the above-identified patent application.
2. I have been asked to explain how the glass-ceramic plates in U.S. patent 5,691,254 ("Sakamoto") and U.S. patent 5,866,239 ("Shimatani") can have different L\* values and, thus, different appearances from the glass-ceramic plates in the above-referenced application despite having similar compositions. More specifically, I have been asked to explain how Sakamoto and Shimatani can disclose glass-ceramic plates having a black appearance, whereas the glass-ceramic plates in the above-referenced application have a light appearance.
3. Glass-ceramic products with similar compositions can have different L\* values depending upon the heat treatment to which they are subjected. Depending upon heat treatment, beta-quartz and/or beta-spodumene phases can develop. The presence and/or

absence of these phases, as well as the relative proportions of these phases, can affect the L\* value and the visual appearance of the glass-ceramic plate. Thus, the heat treatment to which a glass-ceramic plate has been subjected can affect the presence and/or absence of beta-quartz and/or beta-spodumene phases which, in turn, can affect whether the glass-ceramic plates have a transparent, hazy (i.e., milky) or opaque appearance. When adding a colorant to a transparent glass-ceramic composition, one can obtain a black material. Its optical transmittance in the visible range can be adjusted with colorant concentration in the glass-ceramic composition.

4. In Shimatani, the glass-ceramic plate reportedly has only beta-quartz crystals and has a black appearance. (Col. 2, lines 39-41). Given that the preparation procedures in Sakamoto and Shimatani are similar (compare col. 6, lines 35-45 of Sakamoto with col. 6, lines 53-60 of Shimatani), it follows that Sakamoto's plate is also black and contains only beta-quartz crystals.

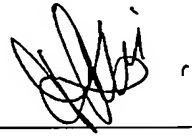
5. In contrast, as exemplified on pages 14-15 of the above-referenced application, the glass-ceramic plate of the present invention includes the beta-spodumene phase. This allows for a more hazy appearance. With no colorant, the appearance of the glass-ceramic panel is substantially white.

6. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

7. Further deponent sayeth not.

Pablo Vilato

Name



Signature

May 9, 2008

Date